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PRESIDENT CAN WITHHOLD IN-FORMATION IF HE DESIRES.

Senate Has Right Only to Ask for It, the Majority Decides, and President May Refuse It if in His Judgment It Is Incompatible With the Public Interest.

WASHINGTON, Jan. 29.-The Culberson resolution, requesting the President to inform the Senate whether all the correspondence relating to the construction of an Isthmian canal has been sent to the Senate, was discussed again to-day by the Senate. According to the unanimous consent agreement of yesterday, a vote was to be taken to-day on the resolution.

Mr. Cockrell (Dem., Mo.) construed the Constitution to mean that the Senate had an undoubted right to all the papers and information connected with any finished act on the part of the President in which the concurrence of the Senate is necessary. The Senate, he admitted, had no right to make inquiries as to unfinished acts, as in the case of pending negotiations of treaties; but when such an act is finished and the advice and consent of the Senate is required, it was no encroachment upon the powers of the President to ask for all papers. Mr. Cockrell remembered two instances where the President had sent original papers to the Senate in confidence for examination, and no record had been made of the matter. These papers had been held in the strictest secrecy.

"Why are the Senators on the other side so stickling for this language, 'if not incompatible with the public interest'? " continued Mr. Cockrell. "It's a mere matter of tweedledum and tweedledee as to practical effect. Why not pass the resolution?" "If it is a matter of tweedledum and tweedledee," asked Mr. Spooner, "why do Senators on your side object to putting it in the resolution?" "It is our resolution," replied Mr. Cock-

rell. "You are trying to amend it. Why do you do it when it is not necessary?" Mr. McLaurin (Dem., Miss.) denied the inference drawn by Mr. Cullom (Rep., III.) yesterday, that the resolution was offered with a design to secure party advantage. He did not conceive how the resolution could be of advantage to the Democratic party unless there was something behind the scenes that the Administration did not want the Senate to know.

"I assume that there is nothing that ought to be concealed," continued Mr. McLaurin. "I resent the statement of the Senator from Wisconsin yesterday that the chairman of the Committee on For-eign Relations is entitled to information to which all other Senators are not en-titled. The chairman of that committee has no more power and no more rights than any other Senator. Every Senator on this floor has the right to know what is contained in the executive department's archives in relation to this treaty. This information, of course, should be sent information, of course, should be sent and held in confidence, in order not to injure the public interests. Nobody proposes to expose the secrets of the Executive. It is simply a question whether the Senate is entitled to know what operated on the President's mind in the making of the treaty, in order to determine whether the treaty was wisely made and therefore entitled to be ratified by the Senate."

A vote was taken on Mr. Cullom's amendment, which inserted the words "if not in his judgment incompatible with the public service." Mr. Gorman demanded the yeas and nays and the vote resulted: Ayes, 39; Noes, 20.

39: Noes, 20.
With one exception it was a strict party vote, Mr. McEnery (Dem., La.) voting with the Republicans in favor of the amend-

ment, while all the negative votes were cas by Democrats. The resolution was then agreed to without division. It reads:

That the President be requested to inform the Senate whether all the correspondence and notes between the Department of State and the Legation of the United States at Bogota, and between either of these and the Government of Colombia, in relation to the construction of an Isthmian canal, since June 28, 1902, and all the correspondence and notes between any department of the Government of the United States and any of its officials of the United States and any of its officials or representatives or the Government of Panama, concerning the separation of Panama from Colombia, have been sent to the Senate; and, if not, that he be requested to send the remaining correspondence and notes to the Senate in executive session, if not in his indement incompatible with the public interest.

The adoption of this resolution practically clears away all topics of discussion on the Panama Canal question except one which will be talked over in a Democratic caucus called by Mr. Gorman for to-morrow morning. This is the Stone resolution, directing the Committee on Foreign Relations to ascertain and report whether any officers of the United States Government were concerned in the revolution at Panama. The Democrats will decide whether or not to press this resolution and they may also try to reach an agreement as to the time for permitting a vote on the treaty. It is recognized, of course, by the majority that a vote may be indefinitely delayed by the Democrats if they choose to do so, but most of the Democratic Senators appear to realize that such a move would prove fruitless and unpopular. A reasonably early vote on ratification of the treaty is

Mr. Bacon (Dem., Ga.) consumed the afternoon in a speech supporting his resolution to advise the President to negotiate a treaty with Colombia looking to a settle-ment of any differences existing between the United States and that Government. Mr. Bacon admitted as accomplished facts the independence of Panama and the intention of the United States to dig the canal at Panama. For this reason he urged the making of peace with Colombia in order to prevent loss of life and treasure in the construction and maintenance of the canal.

"I do not know that it is true," said Mr. Bacon, "but it is told around that the Government of Colombia has advised this Government that it would be entirely satisfied and that friendly feeling would be restored and maintained if this Govern-ment would devote \$10,000,000 to the construction of a railroad from the line of the canal to the city of Bogota. I do not know whether there is a grain of truth in this report but, whether it is true or not, it would be a wise step to do this, not only to obtain the friendship of the people of Colombia, but for the reason that the railroad would be of great value to the

anal."

Mr. Platt (Rep., Conn.) said that if this country established the policy of paying \$10,000,000 as the price of peace in every case where a foreign country had a difference with this country there would be no end of such claims. Colombia herself could be accounted within six months to could be expected within six months to have another claim against this Govern-

The Senate at 4:55 went into executive session, and at 5 P. M. adjourned until Monday.

Army and Navy Orders. WASHINGTON, Jan. 29 .- These army orders were

The following officers to duty with the General Staff Corps: Cols. Arthur L. Wagner, A. A. G.; Stephen P. Jocelyn, Fourteenth Infantry: Lieut-Cols. Henry A. Greene, First Infantry: John G. D. Kulght, Corps of Engineers: Majors William E. Elrkhimer, Artillery Corps: William W. Gibson, Ordnance Department: George F. E. Harrison, Artillery Corps, and Capt. Grote Hutcheson, Sixth Cavairy. Warry, Contract Surgeon Joseph N. Henry, to Fort Slocum.

Major Frederick G. Hodgson, Quartermaster, from Washington to Vancouver Barracks as Chief Quartermaster, Department of the Columbia.

Quartermaster Robert Stevens, from Washington to San Antonio as Chief Quartermaster, Department of Texas.

Capt. William E. Horton, Quartermaster, from St. Louis to Governors Island as assistant to the Chief Quartermaster, Department of the East.

These naval orders were issued to-day: Lieut. J. A. Schofield, from Washington to duty charge of naval recruiting party No. 3. Lieut. L. C. Richardson, to the Franklin, at Nor-olk navy yard. Passed Assistant Surgeon J. H. Payne, Jr., from the Wabash, at Boston navy yard, to naval hos-pital, San Juan

WHY IS CRUM HOLDING OFFICE? DOUBLE MILEAGE TO MEMBERS Senator Tiliman Desires Specific Replie

From Secretary Shaw. WASHINGTON, Jan. 29.-Mr. Tillman (Dem., S. C.) offered in the Senate to-day another resolution in the Crum matter The reply of Scoretary Shaw to a former inquiry, designed to bring out the truth concerning the appointment of Crum during the "constructive recess," of the Senate on Dec. 7, was not satisfactory to Mr. Tillman. Secretary Shaw replied that Crum had been appointed Collector of Customs at Charleston on Dec. 7, and was "de facto' Collector. Mr. Tillman wants to know what a "de facto" official is. His new

resolution reads: Resolution reads:

Resolved, That the Secretary of the Treasury be and he is hereby instructed to send to the Senate information in regard to the appointment of William D. Crum as Collector of the Port of Charleston, S. C., and that he answer specifically the following questions:

1. Is William D. Crum now holding a commission as Collector? If, so give date and send to the Senate a verbatim copy thereof.

2. Was his second appointment made in accordance with law, and, if so, what law?

3. Is there any law or precedent for the Is there any law or precedent for the holding of an office of this kind by a "de facto" official?

4. Is it the contention or intention to claim and exercise the authority to make such appointments during a constructive recess, as this appears to be?

Messrs. Aldrich and Spooner thought this was an effort to extract opinions rather than facts from the Secretary of the Treas-ury, and on their objection the resolution

YALE ON CANAL TREATY. Memorial of Protest and a Counter

Memorial Presented in the Senate.

Washington, Jan. 29.—The memorial recently circulated in New Haven by a member of the faculty of Yale University, condemning the course of the Administration in the Panama revolution and protesting against the ratification of the Hay-Bunau-Varilla treaty, was presented in the Senate to-day by Mr. Hear of Massachusetts. This apparent attempt to place the faculty of the university and the city of New Haven on record against the treaty has resulted in a counter memorial, which was also presented to the Senate to-day, by Mr. Platt of Connecticut. It is signed by forty members of the faculty and fifty-three of the leading lawyers, bank presidents and business men of New Haven, including President Mellen and Vice-Presidents Todd and Kochersperger of the New York, New Haven and Hartford Railroad, upholding the course of the Administration and favoring the ratification of the pending treaty. ing against the ratification of the Hay-

THAYER CORRECTS THE RECORD. He Shows That His Land Bill Did Bear

the Label "By Request." WASHINGTON, Jan. 29.-In the House today Mr. Thayer of Massachusetts referred to the resolution previously introduced by him proposing an amendment to the Constitution to keep the lands of the United States equally divided among the people, and to the statement by THE NEW YORK SUN in an editorial criticising it, which said that he took full responsibility for introducing it, as it did not bear the label "by request."

Mr. Thayer produced the original resolution, which contained that term, but which had accidentally been omitted in printing.

He asked that the remaining copies of the resolution on file in the document room be suppressed and a new edition issued, bearing the term "by request." An order to this effect was according adopted by the

Bills Introduced in the House. WASHINGTON, Jan. 29.-Among the bills introduced in the House to-day were these: Introduced in the House to-day were these:

By Mr. Maddox (Dem., Ga.)—To make a per
capita distribution of not to exceed \$25,000,000
annually of the surplus in the Treasury
among the several States and Territories
and the District of Columbia for the purpose
of improving post roads.

By Mr. Fitzgerald (Dem., N., Y.)—Authorizing the transfer to the city of New
York of all that portion of "Cob Dock" in the
East River, opposite the navy yard, if in
return the city shall build permanent quay
walls and dredge the dock to the depth of
thirty feet.

walls and dredge the dock to the depth of thirty feet.

Also to prevent the unauthorized use of the names or pictures of living persons for purposes of trade.

By Mr. Williams (Dem., Miss.)—To empower the Interstate Commerce Commission to fix rates for ransportation in cases where the rate is discovered to be unreasonable.

Proposed Amendment to Sherman Anti-

Trust Law. WASHINGTON, Jan. 29 .- A bill introduced by Senator Foraker "by request" so amends the Sherman Anti-Trust law and the anti-

trust laws of last year that their provisions shall not apply to any act or contract in restraint of interstate commerce unless it be "unreasonable." The bill provides that nothing in those acts "shall hereafter apply to foreign commerce, or prohibit any act or contract in restraint of trade or commerce among the several States if such merce among the several States if such restraint be reasonable, or shall hereafter authorize imprisonment or forfeiture of property or punishment for violation of such acts except for perjury or contempt of court.

War Department Has Six Carriages and Four Horses.

WASHINGTON, Jan. 29.—Secretary Root to-day sent to the House his response to the carriage graft resolution. He says that there are in his Department six carriages, three of which are for winter use and three for summer. Two are used by the Secretary of War, two by the Assistant Secretary and two by various other officials of the Department. The Department has four horses and three coachmen who are selected from among the employees, who are engaged to care for the horses which do the hauling for the Department.

Senator Hoar in His Seat for the First Time Since His Wife's Death.

WASHINGTON, Jan. 29 .- Mr. Hoar (Rep., Mass.) appeared in his seat in the Senate this morning for the first time since the sudden death of his wife. Mr. Hoar was looking unusually well, and was in good spirits, in spite of his affliction. His deep religious faith was shown in his remark to a Senator who spoke of his loss. "I do not give myself up to grief," replied Senator Hoar, "be-cause I know we shall meet again soon."

Another Proposed Cable to the Philippines. WASHINGTON, Jan. 29 .- To authorize the North American Telegraph and Cable Company to lay cable and telegraph lines from the State of Washington, via Alaska, the Aleutian Islands, Siberia, Manchuria, China and Japan to the Philippine Islands, is the object of a bill introduced by Senator Mitchell of Oregon. A provision requires communication with the Aleutian Islands to be established within five years.

Gov. Taft at the Cabinet Meeting.

WASHINGTON, Jan. 29.-Gov. William Taft attended the meeting of the Cabinet to-day, although he will not be sworn in as Secretary of War until next Monday. There was a good deal of joking on the part of the President and his advisers about the or the rresident and his advisers about the presence of "two Secretaries of War at one time," and the great prominence given to the military branch of the Government. No important business was transacted.

Movements of Naval Vessels. WASHINGTON, Jan. 29 .- The cruiser Albany has arrived at Cavite, the supply ship Culgoa at Guantanamo and the training ship Mohican at Mare Island. The armored cruiser Brooklyn (flagship of Rear Admiral Cotton) has sailed from Beirut for Alex-andria, Egypt, and the supply ship Supply from Guam for Honolulu and Mare Island.

President Zelaya's Son for West Point. WASHINGTON, Jan. 29.-The Senate today passed a resolution admitting to the Military Academy Alfonso Zelaya, son of the President of Nicaragua.

SOME OBJECT TO IT AS UNWAR-RANTED BY LAW.

Mr. Grosvenor Suggests That Members Who Do Not Wish to Draw It May Turn It Into the Treasury-Items in Urgent Deficiency Bill Ruled Out.

WASHINGTON, Jan. 29.—The House to-day went into committee of the whole on the Urgent Deficiency Appropriation bill. Mr. Hill (Rep., Conn.) made a point of order against the item, \$100,000 for the

expenses of the Commission on International Exchange to bring about a fixed rate of exchange between gold standard and silver using countries. Mr. Hill maintained that the commission was not authorized by law and that provision for it was only made in the Sundry Civil bill without warrant

The Chair ruled in favor of Mr. Hill and the item was stricken out of the measure. The item for compensation of the Consul at Antung, Manchuria, was reduced from \$4,000 to \$3,500 a year.

Mr. Sulzer (Dem., N. Y.) offered an amendment to appropriate \$2,000,000 to purchase sites for a post office and a branch post office in New York city. He contended that the commission appointed to select a site had made its report and recommendations, and that an appropriation had been authorized by law. He described the conditions in New York due to the lack of post office facilities.

Mr. Hemenway (Rep., Ind.) made a point of order against the amendment and said the matter might be provided for in the Sundry Civil bill.

The Chair sustained the point of order and ruled out Mr. Sulzer's amendment. Mr. Powers (Rep. Me.), made a point of order against the provision to enable the President to establish convenient districts for the collection of customs revenues, and to subdivide any State into districts or to unite two or more States into onedistrict and from time to time alter the districts. The Chair sustained the point and the pro-

when the paragraph appropriating \$145,000 for mileage of members and delegates was reached, Mr. Hemenway offered an amendment to appropriate \$45,000 for mileage of Senators. He said that through an oversight the Senate had been forgotten in the matter of provision for mileage. Mr. Maddox (Dem. Ga.), made a point

Mr. Maddox (Dem. Ga.), made a point of order against the entire item for mileage. He maintained that the appropriation for mileage for the regular session was di-verted to the special session, which had been merged into the regular session. "We been merged into the regular session. "We have already drawn that money and probably spent it," said Mr. Maddox.

Mr. Maddox sought to enter upon a discussion of the merits of the case, but was prevented by the Chair (Mr. Tawney), who insisted that the only question before the House was the point of order.

Mr. Grosvenor (Rep., Ohio) offered an amendment by unanimous consent to the

amendment, by unanimous consent, to the effect that members who do not desire to draw the mileage provided for in the bill,

draw the mileage provided for in the bit, may turn the same into the treasury, and authorizing the Secretary of the Treasury to accept the same as a miscellaneous item. [Laughter.]

Mr. Maddox—I have heard that cheap amendment before. I know I need not accept the money if I don't want it. It is my privilege to accept or reject it. my privilege to accept or reject it.

Mr. Littlefield (Rep., Me.) made a long

legal argument in support of the point of order. He maintained that there was no order. He maintained that there was no authorization by law for the appropriation in the bill. The Constitution recognized no distinction between an extraordinary and a regular session. The question was whether it was a continuous session, or whether there were two sessions; whether there was or was not an interregnum. He maintained that there was none. He cited precedents in support of his contention, going back as far as the first session of the First

now in session still under the call of the Without giving the Chair an opportunity to rule on the point of order, the House adjourned until to-morrow.

PROPOSED ARMY LEGISLATION. The Executive Board of the General Staff Considers Several Measures.

WASHINGTON, Jan. 29.-The executive board of the Army General Staff met to-day and considered a number of matters relating to proposed military legislation. Gen. Chaffee presided. A bill providing

for the increase of the Engineer Corps was discussed and approved and will be sent to Congress. A proposition coming from the Surgeon-General, providing for the reorganization General, providing for the reorganization of the medical department of the army, was also considered, and a bill making certain changes in the medical department will be prepared. It is proposed by the General Staff to provide for an increased number of Assistant Surgeons and do away with contract surgeons. While the bill increases the number of Assistant Surgeons, it will cause a substantial reduction in the number of medical officers.

umber of medical officers The executive board also considered a bill providing for some recognition of officers who have distinguished themselves in service. At present an officer who has particularly distinguished himself can be rewarded only by promotion to the grade of general officer. A scheme for some other reward is being worked out. One plan prepared by the first division of the General Staff was discussed to-day, but it was not entirely satisfactory to the experience board one was sent back with

ecutive board, and was sent back with instructions to recast it. Slight Fire in the National Capitol. WASHINGTON, Jan. 29.-A slight fire occurred this afternoon in the committee room occupied by the Committee on Foreign Affairs. It was confined to the soot in the chimney flue. The local fire department was summoned and the firemen ran through the corridor to the room, creating some excitement, but no damage was done.

Twelfth Infantry to Go to the Philippines. WASHINGTON, Jan. 29 .- The War Department has designated the Twelfth Infantry to go to the Philippines to relieve the Twen-ty-ninth Infantry. The Twelfth Infantry will go in place of the Third Infantry which was selected some time ago.

FRIEND OF M'LAUGHLIN MOVED. Shift of Jones From Penitentiary to Tombs Called a Slap at Ex-Leader.

Deputy Warden Nicholas Jones of the Kings County Penitentiary has been transferred by Corrections Commissioner Lantry to the position of night warden at the Tombs.

Jones had been connected with the Kings

County Penitentiary for nearly thirty years, and some of his friends say that the transfor has been made with a view to force him out of office in retaliation for his continued friendship for Hugh McLaughlin. He is protected by the Civil Service rules, and he will receive the same salary in the Tomba as he did in his old job. It is said at the penitentiary that the transfer was one of several which have been made since Jan. 1 and that politics had nothing to do with any of them.

Iowa Bars "The Proud Prince." IOWA CITY, Ia., Jan. 29.-Justin Huntly McCarthy's two novels, "The Proud Prince" and "If I Were King," have been debarred from the Iowa City Public Library because of their alleged immorality. Objection was made to chapters in the two books by patrons of the library. BECHTELS ACCUSE PROSECUTOR.

Say He Was Drunk During Trial and Insuited Mrs. Beehtel and Her Daughters. ALLENTOWN, Pa., Jan. 29.-Proceedings were begun to-day before Judge Trexier, who presided at the Bechtel murder trial, against District Attorney Edwin J. Lichtenwalner to have him removed from office Misconduct and gross negligence are the general charges upon which the petition

The complainant is Allison K. Brobst, son-in-law of Mrs. Catharine Bechtel, who was tried and acquitted on a charge of accessory after the fact to the murder of her daughter, Mabel Bechtel, Brobst alleges that upon two occasions during the Bechtel trial the District Attorney was in a "beastly state of intoxication" and was unfit to perform his official duties.

In support of the charges of misconduc are the affidavits of Mrs. Bechtel and her daughters, Mrs. Katie Brobst and Martha Bechtel, and Mrs. Harry D. Newhard. It is alleged that upon the day of the discovery of the murder the District Attorney called at the house while intoxicated and hugged and kissed Mrs. Bechtel and her daughters, called them by endearing names and made improper propositions to them and that it became necessary to call policemen to put him out of the house.

Judge Trexler has ordered the charges filed, but will call the matter up in court on Monday. If the Court finds the charges true the District Attorney will be indicted and tried, and if convicted he will be removed.

FAKING TROLLEY ACCIDENTS Jersey City Police Have Two Men, They Believe, Who Create False Claims.

John P. Feeney, adjuster of the Public Service Corporation of New Jersey, caused the arrest in Jersey City yesterday of Charles Steele Hall, 36 years old, a broker, of Woodmere, L. I., and Edward Britton, 40 years old, a drummer, of 117 East Eighty-sixth street, Manhattan, on a charge of conspiring to defraud the company by claiming damages for injuries received in fake trolley accidents. They were held in \$1,000 bail each for examination next Monday.

While Hall was alighting from an Erie street trolley on Jan. 9, he says, he was thrown from the platform by the sudder starting of the car and badly bruised his shoulder. The conductor reported that he believed the passenger purposely tum-bled off the car to lay a foundation for a damage suit. A demand for damages was made a few days later. Among the witnesses to the alleged accident was Edward Britton, who told Mr. Feeney's investigators that he thought Mr. Hall had

investigators that he thought Mr. Hall had a strong case.
Hall, Britton and Dwight Patterson, a lawyer of 23 Fifth avenue, Manhattan, visited the adjuster's office yesterday and Hall agreed to settle for \$250. Detective Frank Bennett and Policeman John Murphy were at hand at Feeney's request. The adjuster gave Hall a check for \$250. Then he had him arrested.

Chief of Police Murphy says that the local trolley company's officials are in possession of evidence showing Britton to be a professional witness in accident cases.

NEW HOME FOR L. CASS LEDYARD.

Buys a Five Story Dwelling at No. 2 East Eighty-seventh Street.

Ex-Commodore Lewis Cass Ledyard of the New York Yacht Club has bought the new five story American basement dwelling at No. 2 East Eighty-seventh street. The house is one of a number of expensive residences erected on speculation in the Fifth avenue district prior to the stock market panic of last year. It occupies a plot 43x100 feet and has been held at

in support of his contention, going back as far as the first session of the First Congress.

Many constitutional and hypothetical questions were propounded and discussed by Mr. Livingston (Dem., Ga.), Mr. Shober (Dem., N. Y.) and Mr. McDermott (Dem., N. J.).

Mr. Littlefield insisted that Congress is now in session still under the call of the

MINIATURE ALMANAC—THIS DAY,
Sun rises7:12 | Sun sets5:14 | Moon sets5:00

HIGH WATER—THIS DAY. Sandy Hook. 5:18 | Gov. I'd. . . . 5:46 | Hell Gate. . . . 7:30

Arrived-FRIDAY, Jan. 29. Ss Corinthian, Glasgow, Jan. 16.
Ss Kong Haakon, Pilley's Island, Jan. 15.
Ss Hanseat, Matanzas, Jan. 23.
Ss El Valle, Galveston, Jan. 23.
Ss Denver, Galveston, Jan. 23.
Ss Chesapeake, Baltimore, Jan. 27.
Ship Stephan, Buenos Ayres, Oct. 1.
Bark Allanwilde, Port Spain, Jan. 10.

SAILED FROM FOREIGN PORTS.

OUTGOING STEAMSHIPS.



REGAL WEARERS KNOW THE DIFFERENCE.



Seems there are a few folks we haven't convinced that shoes "marked down" to \$3.50 can't be worth the money, spite of the fact that we've been proving right along for ten years that \$3.50 will buy the best leather and workmanship in the world.

Can't induce a Regal wearer to buy an old-style, end-of-the-season, shopworn shoe at any price; because he knows his \$3.50 will purchase an up-to-date custom model of the best shoe that can be made, any day in the year.

Over a million Regal wearers, too. Do you imagine for a minute you wouldn't have heard of it long ago if they weren't satisfied? You ask any one of those Regal wearers why he keeps on buying Regals. He'll tell you, as we've been telling you for ten years—style, fit and

The Regal tannery-to-consumer one-profit system brings you a fresh, new sixdollar shoe at the wholesale price, that's all.

MAIL orders will receive prompt and careful attention.

everlasting wear.

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HARKED DOWN

TO 3.50

REGAL The shoe that proves

in the principal cities of the United States and Great Britain -29 in the Metropolitan District.

60 REGAL STORES-20 OF THEM IN THE METROPOLITAN DISTRICT. MEN'S STORES.

507 Eighth Ave., bet. 35th and 38th Sta. 125th St., cor. 7th Ave. 2299 Third Ave., S. W. cor. 124th St. 838 Sixth Ave., S. E. cor. 21st St. BROOKLYN. 357 Fulton St., opp. Montague St. 111 Broadway, near Bedford Ave. WOMEN'S STORES.

1001 Broadway, bet. Ditmars St. and Wil-loughby Ave. 466 Fifth Ave. JERSEY CITY. 66 Newark Ave. NEWARK, N. J. 841 Broad St., opp. Central R. R. of N. J. 841 Broad St., opp.

166 West 125th St. 783 Broadway, corner 10th St.

COURT OF APPEALS DECISIONS.

RAILWAY DISMISSED.

Court Holds That Mandamus Is Not the

ALBANY, Jan. 29.—The proceedings to compel the Interurban Railway Company, which controls and operates street surface railway lines in New York, to give free transfers to passengers at 125th street and Eighth avenue were dismissed by the Court of Appeals to-day. The applicant in the proceedings was James S. Lehmaier, chairman of a citizens' committee composed of residents of the district which would be affected by a free transfer system at this

The opinion was written by Judge O'Brien. the proper remedy. He says that if the

vacate its charter for any violation of law of which it may be guilty, and a refusal to obey a statute to give transfers in certain cases would, doubtless, bring the defendant corporation within the scope of that statute. "The railroad law prescribes remedies for a redress of the grievance of which the

amply, for investigation of all complaints by the Railroad Commissioners or com-plaints of any neglect of duty on the part of railroad corporations, the recommenda-tions of the commission being enforce-able by mandamus. Mandamus is not the proper remedy until after action by the Commissioners." SCHOOL FUNDS MAY BE PAID TO TEACHERS

IN ORPHAN ASYLUMS. In the action of James Sargent, a tax-payer of Rochester, the object of which is to find whether public school funds can be paid for the services of teachers in sec-tarian orphan asylums, the Court of Ap-peals to-day affirmed with costs the de-cisions of the lower courts dismissing the complaint

complaint.

Sargent sought to restrain the payment of city moneys to religious orphan asylum teachers in Rochester, holding that it was unconstitutional. The lower courts ruled favorably upon the contention of the defence that the law was intended to apply to the parents sent their children voluntarily, and not to orphan asylums which are charitparents sent their children voluntarily, and not to orphan asylums which are charitable institutions under State supervision.

Judge O'Brien writes the opinion of the Court, in which the other Judges concur. He holds that the payment of the salaries is warranted by Section 14 of Article 8 of the Constitution, which provides that "nothing in this Constitution contained shall prevent * * * any county, city, town or village from providing for the care, support, maintenance and secular education of inmates of orphan asylums, homes for of inmates of orphan asylums, homes for dependent children or correctional insti-tutions, whether under public or private control." He holds that there was express control." He noids that there was express statutory authority given to the Board of Education to employ the four teachers who were members of a religious order.

"The four teachers in question," he says, "were licensed by the public authorities to teach. To license them as qualified teachers and employ them and receive

teachers and employ them and receive the benefits of their services, and then refuse to pay them upon the objection of some taxpayer, would be a species of in-justice unworthy of a great State." PREVAILING RATE OF WAGES CASE.

The court decided against Pierce Ryan paving rammer in the employ of the New York City Street Department, in a case testing the prevailing rate of wages law. Ryan brought action against the city to recover \$600, representing 1,200 days' work at 50 cents a day, the idea being to test the law with reference to the obli-gation of the city to pay the so-called prevailing rate of wages to its employees when they are employed directly by the city.

The court had already decided that the law was unconstitutional in its application to employees of contractors on public works. This was the first case to be brought the adjuster to employee of a range reality. by a direct employee of a municipality.
The Appellate Division dismissed Ryan's appeal and this decision was affirmed to-day with costs by the highest court, on the ground that Ryan waived his right as regards the prevailing rate of wages, though otherwise he could have recovered.

In deciding this case the court upholds the law which provides that on municipal

or State work, public work for cities, counties, towns and villages, labor shall receive the prevailing rate of wages for similar work in that locality. This decision is based upon that which construed as constitutional an act passed in 1889, that the prevailing rate of wages shall be paid on State work. Chief Judge Parker in his opinion to-day says: "Our conclusion is that so much of the statute as is involved in this case is constitutional." The defeat of Ryan is due, as stated, not to any defect in the law, but to the fact that for six years he accepted without protest the rate of

AGAINST INTERURBAN

Proper Means to Compel the Company to Give Free Transfers to Passengers at 125th Street and Eighth Avenue.

he accepted without protest the rate of wages paid him.

A concurring opinion is written by Judge O'Brien, in which he agrees to the decision throwing out Ryan's case, but dissents as to the conclusion on the validity of the law treelf "I am not in favor," says he, "of going out of our way to change the construction already given to the labor law on the basis of a distinction so frail and fanciful as that contended for by the learned counsel for the plaintiff." OTHER DECISIONS HANDED DOWN.

The Court also handed down the follow-In it he points out that mandamus is not Westphal and another vs. City of New the proper remedy. He says that if the York: Motion for reargument denied, \$10 the proper remedy. He says that if the railroad company is violating the statute in refusing to issue transfers, then an action for a penalty of \$50 will lie under the law in favor of any individual who the law in favor of any individual who has been refused as well as an action to Rooms are provided for fifteen so which The house is opposite the residence which Henry Phipps is building at the north corner of Fifth avenue and Eighty-seventh street. Mr. Ledyard now occupies the old Whitelaw Reid house at Lexington avenue and Thirty-sixth street.

The Eighty-seventh street house was bought from William H. Bolton through bought from William H. Bolton through an adequate remedy for the grievance complained of.

Robert.

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Paper I. Device the residence which has been refused, as well and recover any damages which the individual may have sustained in consequence of the illegal refusal. He declares that a vigorous application of the statutory right to recover has generally been found to be an adequate remedy for the grievance complained of.

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Paper I. Device the may have sustained in consequence of the illegal refusal. He declares that a vigorous application of the statutory right National Bank of Syracuse and others: Cullinan, respondent, vs. Kuch and another: Judgments affirmed, with costs.

People, ex rel. Town of Colesville, appellant, vs. Delaware and Hudson Canal Company: Order affirmed, with costs.

The court took a recess until Feb. 28,

OPPOSED TO SUNDAY OPENING. Bishop Colton of Buffalo Expresses the

Views of the Catholic Church. BUFFALO, Jan. 29.-In a public state nent made through a local newspaper this afternoon Bishop Colton of the Roman relator complains, providing, as they do Catholic diocese of Buffalo expressed the opposition of the Church to the bill pending in the Legislature, which is designed to permit Sunday opening of saloons in New York and Buffalo. The Bishop's state-ment, the first that he has ever made on a public question since he became Bishop, follows in part:

public question since he became Bisnop, follows in part:

From my standpoint as a Catholic Bishop, the opening of a saloon or place where drink is sold on any part of Sunday is objectionable. It is the spirit of the Catholic Church to keep the Lord's day as a day for rest and spiritual observance, and anything that would clash with the religious observance of the day is something that the Catholic Church in this country is opposed to.

There have been in Europe sad results from the allowing of the sale of intoxicants on Sundays, namely, it broke in on the religious character of the day, and instead of seeing, as we do here in America, a quiet, restful and religious day, it takes the character of a day given up to pleasures of every kind and which are ofttimes sinful.

The United States of America was founded on a religious basis. Religion and its influences have ever been respected. It allows every man the freedom to worship to daccording to his own conscience and protects him in the same by her laws. In this way it has fostered religion among its citizens of every class, condition and creed, and thus has made them the bulwark of our existence. It is for our country to ever remain true to the teachings and the practice of her founders,

It is for our country to ever remain true to the teachings and the practice of her founders, and in so doing will our free institutions be perpetuated and passed down to genera-tions and generations through the conturies tions and generations through the conturies to come.

It will be no hardship for the few that desire Sunday opening for the satisfying of their appetites to make provision for the same by purchases on other days of the week. To the unbeliever—that is, to one not believing in God or a future life—this may seem an unjust restraint on his liberty, but he must remember that he is asking now what others do not want and never thought of asking, and that they are the vast majority. And to them, and in consideration of their feelings, he must graciously yield.

Wireless Telegraph Company.

he must graciously yield.

ALBANY, Jan. 29.—The Overland and Marine Telegraph Company of New York city was incorporated to-day to carry on the business of wireless telegraphy and to manufacture telegraph mechanisms and instru-ments. The capital is \$100,000, and the directors are John W. Chapman, W. R. Sainsbury, H. R. Dennis, J. Norris Miller, Jesse W. Tobey and Harry J. Peel of New York city.

Adler Takes Oath as Port Warden.

ALBANY, Jan. 29.-Former Assemblyman Charlie Adler of the Eighth New York district to-day again took the oath of office before the Secretary of State as a Port Warden for the Port of New York. Adler's nomination to his present position was confirmed by the Senate Monday night. He had been serving under a recess ap-

Kentucky Senators Defeat Canal Resolution FRANKFORT, Ky., Jan. 29.—Senator Catron's resolution indorsing the Panama Canal treaty and requesting the Kentucky Senators to vote for its ratification was defeated by a vote of 23 to 9.

ALBANY, Jan. 29 .- The shore hunters of

Long Island desire to overcome the law that was enacted last year prohibiting the spring shooting of wild fowl. At that time the argument was advanced in favor of the enactment of the proposed statute that by permitting spring shooting the birds were fast disappearing, as they mate in the spring. The enactment of the new law was a serious loss to many persons in Suffolk county, who make quite a respectable living taking hunters from New York on the bay and acting as their guides. In order to meet the contention of the spring mating, Senator Bailey (Dem.) and Assemblyman Hubbs (Rep.) have introduced a bill permitting the shooting of the birds during the months of January, February and

The Assembly almost surprised it to-day. It transacted some business Speaker Nixon was not present and Majority Leader Rogers presided. His two bills appropriating \$300,000 for the State Excise Department to pay refunds, and another increasing the amount that the State canal division engineers shall have on hand from \$5,000 to \$20,000 were passed by the lower house, although there were not thirty members present. The appropriation for the division engineers is the first direct appropriation toward the canal enlargement scneme, although the lower house also advanced to a third reading another bill authorizing the payment of the newspaper bills for advertising the canal law last fall. In the Senate no business was done and but one bill introduced, that of

Senator Bailey. Assemblyman Perham introduced bills which would give the rapid transit, park and building commissioners in New York practically double the compensation they now receive in condemnation proceedings. These bills provide that where the labor involved in such proceedings is of an extraordinary nature they may make application and the courts may grant extra compensation, but not more than what they are now authorized to receive by the New York city Charter.

Assemblyman Wolf is the first Democratic memper from New York city who wishes to direct the conduct of the various departments by legislative enact-ment. During the Low administration there were any number of such measures there were any number of such measures fathered by Democratic members, but this year they have been willing to permit the authorities elected for that purpose to conduct the city, and it was with some surprise that the Democratic members from New York and Brooklyn learned that Assemblyman Wolf had introduced an anti-home rule bill. It provides that the avecners and drivers in the Street Cleaning an anti-home rule bill. It provides that the sweepers and drivers in the Street Cleaning Department shall receive a salary of \$800 a year instead of \$720 as at present, and also limits their hours to forty-eight during a week. Any work done in excess of forty-eight hours is to be paid for at the rate of time and a haif.

Assemblyman Dowling (Rep., Kings) introduced his bill of last year extending the probation law to women arrested and convicted of being drunkards and dis-

convicted of being drunkards and dis-orderly persons.

Assemblyman Prince continues intro-

Assemblyman Prince continues introducing his old time labor bills which are always buried in committees. His latest is to provide for the appointment of volunteer factory inspectors by the State Labor Commissioner. This would be a big thing for labor unions in the event of a strike in any factory or mill, for the volunteer inspectors, who would undoubtedly all be union men, could visit the places and condemn them as being unsafe and throw many obstacles in the way of the employers.

The county villages do not propose to permit the cities to enjoy a monopoly in regard to the anti-theatre fire agitation. Assemblyman Hayden to-day introduced a bill authorizing town boards, village trustees and other bodies of towns and villages to see that theatres and other pubvillages to see that theatres and other public buildings shall be provided with fire-escapes and have plenty of exits, which shall at all times be clear and open for

shall at all times be clear and open for passageway.

Opponents of the bill introduced by Senator Carpenter, (Rep., Westchester) for the ostensible purpose of preventing the Board of Aldermen of New York city from prolonging the hold up of the construction of the Port Chester railroad, in Bronx Borough, said that the measure, as it now stands would practically rob the local authorities of every city in the State of control of their streets. There will be a hearing on the bill before the Fallroad committees of the two houses on Feb. 10.

SS Statendam, from New York at Rotterdam. SS Palatia, from New York, at Hamburg. SS La Bretagne, from New York, at Havre. Ss Victorian, from Liverpool for New York.

 Philadelphia, Plymouth.
 6 00 A M

 Zeeland, Antwerp.
 8 30 A M

 Saxonia, Liverpool.
 10 30 A M

 Ethiopia, Glasgow.
 9 30 A M